combination: a web being defined between the handle and the head; and a cavity defined in the web, with the pawl having a first end and an opposite end, with the first end of the pawl engaging a wall portion defining the cavity in one of the two positions of the switch member and the opposite end of the pawl engaging another wall portion defining the cavity in the other of the two positions of the switch member.

REMARKS

Claims 21, 41 and 42 have been amended to overcome the rejection under 35 U.S.C. § 112. Favorable reconsideration is respectfully requested.

With respect to claim 44, the Examiner concedes that the specification would enable a person skilled in the art to make the invention with the end wall contiguous with the second face. It should be appreciated that putting the end wall on the opposite face is a simple reversal. The use of alternate "one of" recitations is a well known technique to cover such reversals (as an example see claim 33 of U.S. Patent No. 3,888,100) without having to show such a reversal in the drawings. Does the Examiner contend that a person skilled in the art would not be able to make the invention in the reversed manner from that shown in U.S. Patent No. 3,888,100 or that shown in the present application in a manner recited in claim 33 of U.S. Patent No. 3,888,100 or claim 44 of the present application? It is then respectfully submitted that the rejection of claim 44 under 35 U.S.C. § 112 has been overcome. Favorable reconsideration is respectfully requested.

It is respectfully submitted that a person skilled in the art would not consider the portion "receiving the spring" in Kilness to be included in the second end of the peg as originally recited in claim 21 as filed. However, in a spirit of conciliation to advance prosecution of the present application, claim 21 has been amended to further define the present invention to clearly

distinguish over Kilness. Favorable reconsideration is respectfully requested.

Additionally, claims 57-59 have been added which further define the present invention. Claims 57 and 58 especially distinguish the present invention over Kilness. It is then respectfully submitted that claims 57-59 are in condition for allowance. Favorable consideration is respectfully requested.

Patent No. 5,533,427 includes a circular opening 25 communicating with circular cavity 23 through an aperture 26 and a semicircular cavity 29 communicating with circular cavity 23 and communicating with opening 25 through puncture 27. It is then respectfully submitted that the handle of Chow does not have the strength characteristics of the present invention. Claim 42 has been amended to recite that the compartment does not communicate to the first face except through the cavity and hole. It is then respectfully submitted that the rejection of claim 42 and the claims which depend therefrom has been overcome. Favorable reconsideration is respectfully requested.

Additionally, the lower wall section of opening 25 has a limited thickness defined by semicircular cavity 29 and thereby is not defined by or between the lower planar end and the lower face as recited in claim 42. Claim 42 has been amended to further define this distinction over the prior art. Favorable reconsideration is respectfully requested for this separate and independent reason.

Further, claims 54-56 have been added which further define the present invention to distinguish over the very imaginative reading of the claims as originally filed. In particular, key 63 engages with aperture 26 to limit the rotational movement, and specifically aperture 26 does not in any way mount a pawl. It is then respectfully submitted that claims 54-56 are in condition for allowance. Favorable consideration is respectfully requested.

Aperture 26 which is contended to be the recited cavity is only shown in Figure 1 of Chow, and it does not appear that aperture 26 includes an arcuate wall as recited in claims 49 and 52 as originally filed. Favorable reconsideration of the rejection of claims 49 and 52 is respectfully requested for this separate and independent reason.

It is hereby agreed that a terminal disclaimer will be filed based upon U.S. Patent No. 6,282,992 when this application is otherwise in condition for allowance.

It is agreed that the handle recited in claims 42-53 is disclosed in U.S. Patent No. 6,282,991. But that is not the test. It is respectfully submitted that the test is whether the invention claimed in this application is patentably distinct from the invention claimed in Patent No. 6,282,991. It is respectfully submitted they are for the same and similar reasons as already recognized by the issuance of U.S. Patent Nos. 6,282,991 and 6,282,992. Favorable reconsideration is respectfully requested.

The present application has an effective U.S. filing date of April 3, 2000 and any double patenting rejections should be made in the later filed applications and not the present application.

Additionally, Fosella discloses a pawl 120 pivotably carried on a shaft which is controlled by a detent 128 carrying a spring loaded plunger 130 which is different than the pawl of the type of U.S. Patent No. 6,282,991. Likewise, Kress discloses a pivotal pawl 25 which is directly pivoted by a thumb-piece 58 and held in place by a plunger 41 and spring 42 slideable in a recess 43 in the body of the wrench. It is respectfully submitted that a person skilled in the art would not select certain features from Kress for purposes not taught or suggested in either Kress or Fosella (while ignoring the remaining structures of Kress) and then select the modified feature of Fosella for purposes not taught or suggested in either Kress, Fosella, or Patent No. 6,282,991 (while ignoring the remaining structures of Fosella) except based upon the hindsight knowledge

of the present invention and for the sole purpose of attempting to meet the recitations of the claims of the present application.

Likewise, McCann discloses orifices 111 and 112 formed in a planar top over an enlarged cavity of a cross section corresponding to cover plate 50 and including actuator 40, spring 44, pawl 30 as well as driving member 20. It is then respectfully submitted that a person skilled in the art would not take orifice 111 from McCann which does not include a separate hole, cavity and compartment and discard the remaining teachings therein except based upon the hindsight knowledge of the present invention and for the sole purpose of attempting to meet the recitations of the claims of the present application.

As clearly shown in Figure 1 of Chen, Chen suffers from the same deficiency as McCann. Both McCann and Chen represent the prior art having the problems which claims 43-53 attempt to solve. Why would a person skilled in the art even consider Chen and/or McCann when attempting to solve that problem when they provide no suggestion of doing so absent the hindsight teachings of the present invention?

It is then respectfully submitted that each of the double patenting rejections have been overcome. Favorable reconsideration is respectfully requested.

Please note that an Information Disclosure Statement and a Supplemental Information Disclosure Statement were mailed to the United States Patent and Trademark Office on October 29 and December 27, 2001, respectively. If either of the above is not in the file wrapper when this Amendment is being considered, it is respectfully requested that the undersigned be contacted by telephone before further prosecution of this application is commenced.

Additionally, attention is invited to previously filed, copending U.S. Application Nos. 09/854,795 (CFP-1372/273); 09/888,810 (CFP-1372~1/273CIP); 09/923,120 (CFP-1452/302);

and 10/034,760, which applications and the prosecution history of which are hereby incorporated herein by reference.

The Examiner has indicated consideration of the United States Patents listed in the FORM PTO-1449 included at filing. By the lack of application of these references and others like them within the classes or subclasses searched, the Examiner apparently recognizes the clear patentability of the present invention over any of these references.

Therefore, since the claims of the present application have been shown to include limitations directed to the features of applicant's reversible ratchet-type wrench which are neither shown, described, taught, nor alluded to in any of the references cited by the applicant and the Examiner, whether those references are taken singly or in any combination, the Examiner is requested to allow claims 21-25 and 40-59, as amended of the present application and to pass this application to issue.

Respectfully submitted,

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By 

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VERSION MARKED TO SHOW CHANGES

IN THE CLAIMS

Please amend claim 21 as follows:

21. (twice amended) A reversible ratchet-type wrench comprising:

a handle;

a head extended from the handle;

a drive member rotatably mounted in the head, with the drive member including a plurality of teeth formed on an outer periphery thereof;

a pawl including a first side with a plurality of ratchet teeth for releasably engaging with the teeth of the drive member, with the pawl further including a second side with a recess;

a **rotatable** switch member including a turn-piece for manual operation and an actuating plate extended from the turn-piece **[and rotatably received in the head]**, the switch member being switchable between two positions for changing ratcheting direction of the drive member, with the actuating plate of the switch member including a first receptacle that faces the recess of the pawl and that has a first end wall;

an elastic element; and

a peg, with the peg having a first end movably received in the recess of the pawl and a second end, with the second end of the peg being received in the first receptacle and including a second receptacle with a second end wall, with the elastic element located **in the first and second receptacles** between the first end wall and the second end wall, with the peg and the elastic member being rotatable with the actuating plate and biasing the ratchet teeth of the pawl to engage with the teeth of the drive member.

Please amend claim 41 as follows:

41. The reversible ratchet-type wrench as claimed in claim 21, with the **switch member being rotatable about an axis, with the** actuating plate extending **[axially] in a direction parallel to the axis of the switch member** from the turn-piece.

Please amend claim 42 as follows:

42. A handle for a ratcheting tool comprising**[, in combination]**: a head having a first face and a second face; a hole in the head extending between the first face and the second face; a cavity being defined in the head between and spaced from the first and second faces and communicated with the hole, with the cavity including planar ends extending generally parallel to and spaced from the first and second faces, with first and second wall sections being defined **by and** between the planar ends and the first and second faces and being integral with the handle; and a compartment defined in the head and extending from the second face towards but spaced from the first face and having a first end communicated with the cavity and a second end**, with the compartment being** communicated with outside at the second face **by the second end and communicated with outside at the first face only by the first end through the combination of the cavity and the hole**, thereby leaving an integral bridge in the second **[end]** wall section of the head at the second face and located between the hole of the head and the second end of the compartment.